

21 (Rev. 5/85) Criminal Complaint

# United States District Court

DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

CASE NUMBER: 06- 40M-MPT

ERNESTO RIOS PARDINO

REDACTED

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about April 4, 2006, in New Castle County, in the District of Delaware, defendant

was found in the United States, after previously being deported to Mexico, and prior to his reembarkation at a place outside the United States neither the United States Attorney General nor the Undersecretary for Border and Transportation Security of the Department of Homeland Security had expressly consented to defendant's reapplying for admission to the United States

in violation of Title 8 United States Code, Sections 1326(a) and (b)(2), and

I further state that I am a(n) Special Agent of the Department of Homeland Security and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT.

Continued on the attached sheet and made a part hereof: ☒ YES ☐ NO

Signature of Complainant  
David B. Yeary  
Special Agent  
Department of Homeland Security

Sworn to before me and subscribed in my presence,

April 6, 2006

Date

at Wilmington, Delaware

City and State

Honorable Mary Pat Thyng  
United States District Court Magistrate Judge  
District of Delaware

Name & Title of Judicial Officer

Signature of Judicial Officer

**AFFIDAVIT**

**I, David B. Yeary, being duly sworn, depose and say:**

**1. I am a Special Agent with the United States Department of Homeland Security, Bureau of Immigration & Customs Enforcement (ICE), Dover Delaware. I have been employed as a Special Agent since January 25, 2003, when I was employed by the INS. The INS was transferred to the U.S. Department of Homeland Security as the Bureau of Immigration & Customs Enforcement in March 2003.**


**2. This investigation is based on information provided by State of Delaware government agencies, INS/ICE records, and my own observations and interviews.**

**3. On or about April 4, 2006 at 2300 hrs this writer-received information from Detective Shawn Wright of the Delaware State Police (DSP) that Ernesto RIOS Pardino was at Justice of the Peace Court #3 in Georgetown DE. Det. Wright brought Ernesto RIOS Pardino to DSP Troop 4 Barracks in Georgetown DE for interview. This writer arrived at Troop 4 at approx 2330 hrs and identified himself via official credentials. This writer then asked Ernesto RIOS Pardino his name, date of birth and if he was in the United States legally or illegally, he stated that he was in the US illegally. This writer then asked if he had been deported before, he stated yes and that he had returned about two years ago. A set of fingerprints was taken from RIOS to be submitted for identification.**

**4. On April 5, 2006 Ernesto RIOS Pardino's fingerprints were scanned into the Federal Bureau of Investigation (FBI) database Integrated Automated Fingerprint Identification System (IAFIS) and into the Department of Homeland Security Automated Biometric Identification System (IDENT). Subject was a positive match for Ernesto RIOS Pardino, Alien file # 73 043 484, FBI# 640759AB, a Registered Sex offender who had been previously deported on July 25, 2000. Subject was convicted on February 8, 1996 in Delaware for Unlawful Sexual Contact 3<sup>rd</sup>, victim less than 16 years of age.**


**5. A review of the ICE Central Index System database revealed ICE alien file A 73 043 484 in the name of Ernesto RIOS Pardino, born , 1956, Mexico. The file contains a copy of Form I-205, Warrant of Removal/Deportation which reveals that Ernesto RIOS Pardino was deported by INS on July 25, 2000, afoot at Laredo, TX. This file also contains a sworn Affidavit dated July 13, 2000 regarding the subject's nationality, subject states that he is a citizen and national of Mexico. Your affiant has reviewed ICE databases for the defendant's name and alien number and found no evidence of any filings for permission to reapply for admission to re-enter the United States subsequent to removal.**

WHEREFORE, your affiant avers that there is probable cause to believe that Ernesto RIOS Pardino, a citizen and national of Mexico, was removed by the INS to Mexico on July 25, 2000 and prior to his reembarkation at a place outside the United States, neither the United States Attorney General nor the Undersecretary for Border and Transportation Security of the Department of Homeland Security had expressly consented to such alien's reapplying for admission, in violation of Title 8, United States Code, 1326(a) and 1326(b)(2), and requests that this Court issue a criminal complaint and warrant for the arrest of Ernesto RIOS Pardino.

  
\_\_\_\_\_  
David B Yeary  
Special Agent  
U.S. Immigration & Customs Enforcement

4-6-06  
\_\_\_\_\_  
Date

On this 6 day of April, 2006, at Wilmington, Delaware,  
sworn to and subscribed before:

  
\_\_\_\_\_  
Honorable Mary Pat Thyne  
United States Magistrate Court Judge